

REMARKS

Reconsideration of this application is respectfully requested. Claims 1 and 4-13 are pending in this application. Withdrawn Claims 14-17 have been canceled. Applicants believe that consideration of this amendment is proper because they have attempted to comply with every requirement expressly set forth in the previous Office Action dated March 13, 2008 and believe the application is now in condition for allowance.

A Request for Continued Examination is filed herewith, as well as a one month extension of time.

Applicants acknowledge with thanks waiving of the express language requirement of 37 C.F.R. 1.63(b)(3) by the Office.

Claims 1, 4-5, 7, 9 and 11 stand rejected under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a) as being anticipated and/or obvious over Jones et al in U.S. Patent No. 6,752,272 ("Jones"). Applicants respectfully traverse this rejection and maintain that Jones fails to describe claim 1.

Jones describes a package having the exterior of the package laminated with a polymer film. High density polyethylene, polyolefins, polyesters and combinations thereof are suggested for use as a film in Jones, where the film is extrusion laminated to one or both sides of the package. The only means of applying the film suggested in Jones is extrusion or adhesive lamination.

First, the Examiner states that “extrusion lamination covers a substrate layer with an additional layer of material and therefore may be considered to ‘coat’ the substrate layer.” According to this definition, any housing, veneer or case would be considered to be a coating. Use of the word “coating” as defined above is not within the common meaning of the word and is not appropriate.

It is emphasized that Jones teaches extrusion or adhesive lamination as alternate forms of connection. Applicants have tried to point out that both of these forms of connection utilize an adhesive or tie layer. Applicants offer two additional forms of evidence to show that extrusion coating is not a lamination process and that Jones requires lamination.

Applicants submit a 2002 publication from ExxonMobil describing various laminates. In this document, “adhesive lamination” is described as a process whereby an adhesive layer is applied to one or more layers prior to combination. In the same document, “extrusion lamination” applies to the use of a molten polymer as a tie layer. Thus, both of these lamination processes include a third layer between two other materials. Further, the document discloses the use of extrusion coating for making multi-layer structures, but does not even put this in the same category with the lamination processes. This document shows that the industry considers extrusion coating to be fundamentally different from lamination with either an adhesive or a molten polymer.

Also attached is a statement under 37 C.F.R. § 1.132. In it, inventor Marcus Dehlin confirms that the term “extrusion lamination” is a term of art. As it is used in the industry, this term inherently includes the use of a tie layer.

Applicants have provided three forms of evidence to show that both “extrusion lamination” and “adhesive lamination” inherently include an additional layer, either an adhesive or a molten polymer. In addition to the two documents submitted herewith, Applicants refer to WO99/50066 referenced in Applicants’ Response B. The Examiner has provided no references to support his assertion that either of these processes can be used to attach a polymer film directly to a substrate without the use of an adhesive or tie layer.

In discussing improving the impenetrability of the sleeve in the Jones reference, only use of a polymer film is disclosed, not use of a polymer in any other form. The polymer is consistently referred to as a film. See, Col. 6, lines 9-13 and Col. 9, lines 31-33. To laminate the film with the substrate, both of the methods of Jones, adhesive lamination and extrusion lamination, use a third layer between the polymer film and the substrate. The third layer can be either an adhesive layer or a molten polymer layer, as suggested by the ExxonMobil. reference. Without use of an adhesive or polymer layer, the polymer film of Jones would not adhere to the substrate.

Applicants further submit that Jones does not disclose adherence of the polymer film directly to the substrate. Jones teaches “lamination...of the blank with a

polymer film.” If no adhesive or tie layer is present, the polymer film will not adhere to the substrate. There is no suggestion that the polymer film itself be melted for application to the substrate. Doing so would not laminate “the blank with a polymer film” but would destroy the polymer film.

It is suggested that Jones anticipates polyester in claim 1. However, the Examiner fails to state the component for which the polyester is suggested. Although Jones suggests the use of polyester in a film, it fails to suggest polyester as a coating. The same is true of PET in claim 4.

For at least these reasons, Applicants submit that all claims of this application should be found to be patentable because the independent claim, claim 1, is patentable. Applicants respectfully request that the rejection be withdrawn and the claims be allowed to issue.

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Jones, in view of Holbert in U.S. Patent Application Publication No. 2003/0148110. Holbert is relied upon to show an inner reinforcement layer which may be polyester. Even if the references are combined as suggested, the combination fails to teach coating of the substrate with the featured polymers. Arguments asserted above with respect to claim 1 are reasserted here.

Claims 8, 12 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jones, in view of Schwenk in U.S. Patent No. 3,654,842. Arguments

asserted above with respect to Jones and the features of claim 1 are reasserted here. Jones fails to teach bonding of a polymer coating to the substrate material. Even if Jones and Schwenk are combined as suggested by the Examiner, the failures of Jones are not cured by the combination. Applicants respectfully request that the rejection be withdrawn and the subject claims be allowed to issue.

By the above arguments and amendments, Applicants believe that they have complied with all requirements expressly set forth in the pending Office Action. Issuance of a Notice of Allowance on the remaining allowed claims is respectfully requested. Should the Examiner discover there are remaining issues which may be resolved by a telephone interview, he is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,
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